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# Political Soundness. Hobbes's and Burke's Complementing Views on the State

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**Abstract**
There are important differences between some of the fundamental ideas and presumptions in Hobbes' and Burke's political philosophy. Someone who studies both thinkers may on that account be prompted to conclude that they are incompatible. I maintain that this is not the case, arguing that their positions in fact complement each other. Hobbes appears to present, from an amoral (so a morally neutral) perspective, a universal model of the state, while Burke takes the relevant circumstances into consideration. Their views on the state are compatible since they address different stages of development of a state.

**Keywords** Hobbes · Burke · Political philosophy · Philosophy of law · Laws of nature

## Introduction

The relevance of Edmund Burke's reflections on the foundation and transitions of societies and states has not abated, demonstrating the importance of the specific circumstances in which political developments take place. I will inquire whether his perspective may serve as a credible explanatory or justificatory model for the complete development of the state, so from its inception. Thomas Hobbes puts forward an alternative view in this respect. A comparison between these thinkers is worthwhile; this will demonstrate whether Hobbes and Burke should be considered opposites, as a first confrontation with their main ideas might suggest, or whether their positions may, by contrast, be considered complementary in important respects. The focus will lie on their most prominent respective works: *Leviathan* and *Reflections on the Revolution in France*.

In Sect. 1, "The Meaning of 'Natural Law'", Burke's and Hobbes's ideas on natural law are outlined. It is examined to what extent their interpretations differ,

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followed by an evaluation in Sect. 2, "The Merits of Both Perspectives". An inquiry into their respective basic premises is vital for an evaluation of the way in which they present and defend their conceptions of the state. This is discussed in Sect. 3, "Burke's and Hobbes's Conceptions of the State", where the way in which these conceptions take shape is presented. There may be considerable differences, but the crucial question is not whether such differences exist, but rather, given their presence, what their significance is. This issue is mainly discussed in Sect. 4 "The foundation of the state", where two models are introduced that may be beneficial in explaining the development of the state. The central question here is whether the development takes place according to a universal process – the state originating everywhere in the same way – or not, the specific circumstances in the latter case being decisive. Hobbes and Burke appear not to converge in this respect, either. Sect. 5 "Evaluation", is focused on an evaluation of the comparison. The issue presented above, whether the conclusions these thinkers reach are compatible, may then be addressed and resolved. Sect. 6 "The European dimension", consists of an application of both thinkers' political ideas, examining whether the European Union may be said to be organized on the basis of either of their conceptions of what is decisive for a state to function as such.

The way the 'debate' between Hobbes and Burke is constructed here is obviously to a large degree artificial, since the lifespans of Hobbes and Burke do not overlap. Burke does refer to Hobbes,[1] but does not discuss his ideas in detail. A comparison is nonetheless possible as well as worthwhile.

## The Meaning of 'Natural Law'

A conception of natural law features prominently in the work of both Burke and Hobbes. They both recognize its existence, but specify it in different ways. According to Hobbes, natural laws have existed 'from all Eternity' (Hobbes 1651, p. 330 (chapter 26)). He qualifies 'law of nature' through the following definition: "A LAW OF NATURE […] is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved." (Hobbes 1651, p. 189 (chapter 14)). Basically, prospective citizens of a prospective state install a sovereign so that he may protect them against foreign powers and in order to prevent their demise in the wake of the war[2] that is characteristic of the state of nature, i.e., the situation in which the civil state has not yet been realized (Hobbes 1651, p. 185 (chapter 13), p. 227 (chapter 17)). In line with this analysis, Hobbes argues that people only obey the law out of self-interest: they

[1] For example in Burke 1756, p. 12 and implicitly on p. 50, and Burke 1765, p. 409. Burke 1790 contains implicit references.

[2] Hobbes distinguishes between 'Warre' and 'Battell': war is not limited to actual fighting, but has the encompassing meaning of the situation in which one is aware of the will of others to engage in fighting (Hobbes 1651, p. 185, 186 (chapter 13)).

understand that it is more to their advantage to act in accordance with it than to disobey it (Hobbes 1651, p. 205 (chapter 15)). Man even acts on the basis of self-interest in *every* situation (Hobbes 1651, p. 192 (chapter 14), p. 209 (chapter 15)).

'Natural law' is, then, dissociated from any moral connotation.[3] Natural law in this sense may, accordingly, be called *natural law in the strict sense*. This also becomes apparent from Hobbes's own words. As long as one lives in the state of nature, one acts on the basis of one's particular idea of 'good' and 'evil' (Hobbes 1651, p. 120 (chapter 6); cf. p. 365 (chapter 29)). Accordingly, there is no such thing as the greatest good: "[…] there is no such *Finis ultimus*, (utmost ayme,) nor *Summum Bonum*, (Greatest Good,) as is spoken of in the Books of the old Morall Philosophers." (Hobbes 1651, p. 160 (chapter 11)).

In Burke's interpretation of 'natural law', by contrast, (the right) law and morality are joined, which may thus be classified as *natural law in the broad sense*; this may be associated with classical natural law as it has developed – in various forms – from antiquity.[4] In Burke's view, the eternal law is placed above the clauses that originate in positive law (Burke 1790, p. 120). Importantly, the ideas of 'right' and 'wrong' exist irrespective of the will of the people (Burke 1790, p. 117); one has a 'natural sense of wrong and right' (Burke 1790, p. 104) and is endowed with 'primary morals' (Burke 1790, p. 109). It is not surprising, given these ideas, that Burke does not emphasize considerations stemming from self-interest, and does not follow in Hobbes's footsteps. It is, by contrast, the individual's duty to abandon the selfish will and to act in accordance with the 'eternal law' (Burke 1790, p. 117). Hobbes would not maintain that there is a conflict between both options: in his conception of natural law it is incumbent on the individual to act on the basis of self-interest.[5]

Burke acknowledges man's shortcomings; accordingly, man's freedom should not be unbound (Burke 1790, p. 81).[6] Crucially, however, he also considers the ideal of not merely acting on the basis of self-interest, which Hobbes does not take into consideration. Burke distinguishes, in other words, between the actual situation and an ideal one, whereas Hobbes's model provides no basis for making such a distinction, since there is no ideal in the first place: one – invariably – acts in accordance with what self-interest dictates.

[3] This issue is discussed in detail in [Redacted reference to a publication by the author].

[4] These definitions, natural law in the broad and strict sense, are arbitrary; they may just as easily be used conversely. Hart's 'minimum content of Natural Law' (Hart 1961, p. 193–200), for instance, may be qualified as natural law in the broad sense, since it covers situations that do not fall within the purview of classical natural law.

[5] This is, incidentally, a general precept, according to Hobbes (Hobbes 1651, p. 192 (chapter 14), p. 209 (chapter 15)). It is not even possible for someone to forgo self-interest, since all human actions are determined. Freedom of movement may be observed, but a 'free will' does not exist (Hobbes 1651, p. 262 (chapter 21)).

[6] To what extent man's freedom should be curtailed depends on the circumstances: "[…] as the liberties and the restrictions vary with times and circumstances, and admit of infinite modifications, they cannot be settled upon any abstract rule; and nothing is so foolish as to discuss them upon that principle." (Burke 1790, p. 81); cf. p. 280: "[…] what is liberty without wisdom, and without virtue? It is the greatest of all possible evils; for it is folly, vice, and madness, without tuition or restraint.".

Both Burke and Hobbes attribute an important legislative role to God. This is, given their different basic premises, interpreted in strongly diverging ways. In Burke's view, "[…] the rational and natural ties that connect the human understanding and affections to the divine, are not more than necessary, in order to build up that wonderful structure, Man […]." (Burke 1790, p. 115). Here, "[the] law itself is an expression of God's being." (Pappin 1993, p. 156). This is a moral given for Burke (Stanlis 1965, p. 245). The natural law is "[…] a divinely ordained imperative ethical norm which, without consulting man, fixed forever his moral duties in civil society." (Stanlis 1965, p. 73); "In Burke's political theory, God is the 'model' of the universe, the source of all perfection, power and law. Accordingly, the natural law emanates from God, since human law only has value insofar as it accords with the precepts of the eternal law."[7]

In Hobbes's view, by contrast, the given that God is the source of natural law (Hobbes 1651, p. 376 (chapter 30)) has no moral implications. There is a duty to obey God, but it does not follow from a moral imperative, but is based on considerations of self-interest: God is not obeyed because one realizes that this is the right thing to do, but because he is feared, and accordingly, he rules over man on account of 'his *Irresistible Power*' (Hobbes 1651, p. 397 (chapter 31)).

An inquiry into the meaning Burke and Hobbes respectively attribute to 'honor' also makes the differences between their positions clear. Burke melancholically reminisces the time when 'the chastity of honor' was defended (Burke 1790, p. 98; cf. p. 92). Hobbes, however, reduces this idea to power: "*Honourable* is whatsoever possession, action, or quality, is an argument and signe of Power." (Hobbes 1651, p. 155 (chapter 10)). This also becomes clear in the analysis of one's association with God; one honors God on account of his power (Hobbes 1651, p. 399 (chapter 31); cf. p. 397 (chapter 31)).

These differences are related to the context in which both thinkers develop their ideas. While Hobbes attempts to outline a universally true state of affairs, Burke emphasizes that the specific circumstances are always decisive. With respect to the matter at hand, Burke maintains that it is, on the basis of a perspective such as Hobbes's, in which every relation to a societal context is lacking, impossible to characterize a treatment as (dis)honorable (Burke 1790, p. 25). This issue will be explored in Sect. 4.

## The Merits of Both Perspectives

The question presents itself whether Burke's position is tenable, in light of what Hobbes maintains. Hobbes's view entails an important criticism of the traditional conception of natural law, presented above under the guise of natural law in the broad sense. He is unable to identify with, for example, Thomas Aquinas's

[7] "Dans sa théorie politique, Dieu est l' "Archetype" de l'univers, source de toute perfection, de tout pouvoir et de tout Droit. C'est donc de Dieu qu'est issu le Droit Naturel puisque la loi humaine n'est valable que dans la mesure où elle est conforme aux préceptes de la loi éternelle." (Ganzin 1972, p. 166).

perspective, who also considers God to be the lawgiver (Aquinas 1274b, Quaestio 91, art. 1 (p. 153)), but specifies this position by stating that good is convertible with being (Aquinas 1274a, Quaestio 54, art. 3 (p. 142)).

It is clear, in any event, that basic 'laws' must exist in any state if it is to last. People must, for instance, be approximately equally strong and sensible; if this is not the case, one person or a small number of people are easily able to dominate and rule over the rest of the population (Hobbes 1651, p. 183, 184 (chapter 13)).[8] Apart from this minimum, however, Hobbes does not recognize natural law. He considers 'Morall Lawes' to be the equivalent of the 'Naturall Lawes' (Hobbes 1651, p. 330 (chapter 26)); these 'moral laws' "[…] concern the manners and conversation of men, one towards another […]." (Hobbes 1640, p. 111 (part 1, chapter 5, Sect. 1)).

Gauthier rightly points out that Hobbes's use of 'moral' is not to be equated with 'moral' in (presently) common parlance: "[…] Hobbes's concepts are *practical*, moral in so far as 'moral' means 'practical', 'concerning what to do', but not in so far as 'moral' means 'opposed or superior to prudential'." (Gauthier 1969, p. 28).[9] Incidentally, how the difference between both thinkers is to be evaluated depends on the definition of 'prudence', and one may, on the basis of an alternative definition, maintain: "To Burke, prudence is the general regulator of social changes, including the reforms of abuses in society, according to the legal norms of the constitution and the moral principles of Natural Law." (Stanlis 1961, p. 267).

Hobbes clings to a sharp distinction between morality (in common parlance) and law, which brings with it that he can explain why certain basic rules are in place without having to appeal to the considerations promoted by supporters of natural law in the broad sense. Such a perspective offers an alternative to the idea that morality and law are interrelated. An appeal to the existence of 'rightness' and 'wrongness' is not, accordingly, warranted if it is not made clear what these notions might mean; this does not offer a safeguard against a perspective such as Hobbes's, in which a general meaning of these notions only comes to fruition once the state has been realized.

At the same time, a perspective such as Burke's cannot simply be dismissed on the basis of the foregoing. From the fact that an alternative to his position is conceivable it may only be inferred that it is not necessarily *correct*, so not that it is necessarily *incorrect*. The reflections of Burke and Hobbes with respect to the foundations of the law have influenced their conceptions of the polity. How these have taken shape is to be explored next.

[8] This does not, then, concern the *moral* equality which exists, according to Burke, in the right type of state (Burke 1790, p. 56).

[9] Cf. Herbert 2009, p. 4: "What morality there is in Hobbes's philosophy is political. It reduces to obeying the law or, in the state of nature, to a willingness to prefer peace.".

## Burke's and Hobbes's Conceptions of the State

Burke's conception of natural law results in a model of the state that differs strongly from the one promulgated by Hobbes. First of all, Hobbes has a negative view of the state of nature. This situation is characterized by a continuous threat of being engaged in battle (cf. note 2, *supra*). For Burke, conversely, it is a given that natural law provides the standards of a just society (Stanlis 1965, p. 46) and the polity corresponds, accordingly, with the world order and the natural law (Burke 1790, p. 52, 53).[10] Consequently, "The end to be sought for society is that of the common good." (Pappin 1993, p. 144), something Hobbes emphatically denies (cf. Hobbes 1651, p. 120 (chapter 6), 160 (chapter 11)). While Hobbes, too, acknowledges the existence of a universal standard in a state, once it has come into existence, this is the result of a deliberate process of legislation: the sovereign determines the standard, which is subsequently substituted for all individual opinions (Hobbes 1651, p. 314 (chapter 26)).

Regarding the natural law, then, Hobbes's conception of natural law is (compared to Burke) reductionistic, merely remarking that this – in the morally neutral form he conceives of it (cf. Hobbes 1651, p. 189 (chapter 14)) – is, once the state has come to fruition, tantamount to the civil law: "The Law of Nature, and the Civill Law, contain each other, and are of equall extent." (Hobbes 1651, p. 314 (chapter 26)). At that point, the considerations that have prompted the individuals to realize a state are converted into actual legislation. It would be unnatural to revolt against the sovereign, for however disagreeable life in the state may be, it is still preferable to the anarchy characteristic of the state of nature, for the abolishment of which the state was introduced in the first place (Hobbes 1651, p. 238, 239 (chapter 18)).[11]

This perspective differs from Burke's when he evaluates the actions of the French revolutionaries: it is 'unnatural' to revolt against a ruler such as Louis XVI, who is to be characterized as 'a mild and lawful monarch' (Burke 1790, p. 58), but not because this would conflict with self-interest, but rather because it is dictated by natural law (in the broad sense). Hobbes' analysis does not include the nuance that only non-tyrannical rulers are to be obeyed. This is a result of his account, an issue that will receive attention in Sect. 5.

Burke's and Hobbes's expositions on natural law appear to diverge in important respects. Typical for Hobbes's position is a certain 'minimalism', a characterization that would not capture Burke's position. These different analyses result, as was indicated, in different conceptions of the state.

[10] Burke speaks of 'our political system'; in the text preceding this passage he refers in particular to the population of England. He does not, however, in my opinion, by saying 'us', intend to single out the population of that country but rather has all people in mind. The interpretation that Burke does indeed have such a broad perspective is confirmed by his use of general terms further on, and considering, moreover, 'the human race' (Burke 1790, p. 53).

[11] The exceptions to the obligation to obey the sovereign are stated in chapter 21; they are presented in Sect.4.

## The Foundation of the State

The main question that is now to be addressed is how a state comes into being; can a single (universal) theory suffice to explain the inception of the various states, or is an appeal to specific circumstances necessary? It must be clear which criterion or criteria should be used to decide which form of government is preferable. Burke appeals to experience, as becomes apparent from what he says about hereditary monarchy: "No experience has taught us, that in any other course or method than that of an *hereditary crown*, our liberties can be regularly perpetuated and preserved sacred as our *hereditary right*." (Burke 1790, p. 43).

Hobbes considers experience to be decisive as far as (natural) science is concerned (Hobbes 1651, p. 85 (chapter 1)); on the basis of this account he is usually classified in the history of philosophy as a so-called empiricist. With respect to *political* philosophy, however, he has a different perspective. The backgrounds of Burke's and Hobbes's ideas, outlined in Sect. 1, are relevant here. According to Hobbes, an individual considers it to be to his advantage to consent with the erection of a state, even if his liberties are limited compared to the situation in the state of nature, given the upside of living under the protection offered by the sovereign from the perils that are characteristic of the state of nature.

Burke contests such a portrayal. If self-interest is the only driving-force, one will not consent with laws on account of an insight that it is appropriate to oblige; the laws will rather 'coldly' compel the desired behavior (Burke 1790, p. 99). Whether it is Hobbes in particular he opposes when criticizing the 'mechanic philosophy' against the backdrop of which he presents his own views (Burke 1790, p. 99) is not clear, but it seems likely, and the designation pertains, in any event, to Hobbes's perspective, who defends a strict model of cause and effect, reserving no special status for human actions (Hobbes 1651, p. 81 (Introduction); cf. note 5, *supra*); Burke's appeal to the love for one's country (Burke 1790, p. 99) is irrelevant from Hobbes's perspective, the more so since 'love' amounts, for the latter, to desire (Hobbes 1651, p. 119 (chapter 6)).

These different basic premises have significant consequences for one's conception of 'state'. What is the foundation of the state? Burke speaks of "The […] pact of society, which generally goes by the name of the constitution […]." (Burke 1790, p. 39). This pact is not realized instantaneously as a whole, but is rather the result of changes that have occurred over time; Burke associates such developments with specific societies rather than with society in general. Consequently, when he says that "Society is […] a contract." (Burke 1790, p. 120), he does not refer to a detached agreement, such as one associated with a business contract, but means "[…] a partnership in every virtue, and in all perfection." (Burke 1790, p. 120).

Hobbes's model of the state strongly differs from the conception just sketched. According to him, the basic contract is created by the prospective citizens of a prospective state, who agree to transfer their power to a sovereign, so that he will protect them against each other (Hobbes 1651, p. 227, 228 (chapter 17)). The central idea here is the covenant; Hobbes, crucially, presents this in absolute terms

(so without any reservations), on the basis of which it may be concluded that he refers to the meaning of 'covenant' in general, namely, a contract on the basis of which at least one of the parties does not immediately perform his part of the obligation (Hobbes 1651, p. 193 (chapter 14)). 'Contract' itself is defined as 'The mutuall transferring of Right' (Hobbes 1651, p. 192 (chapter 14)). The detached outlook Burke eschews is, then, included in Hobbes's theory.

Hobbes can only conclude that the specific circumstances in a certain society are not decisive for the realization of a state by proposing a theory that does not include elements depending on those circumstances. Accordingly, he takes an a priori approach. While he does not use the term 'a priori', his perspective becomes apparent from the fact that he not only speaks of 'contract' in general, but also refers to *the* causes (so in general terms) of the state (Hobbes 1651, p. 223–228 (chapter 17)). For this reason, he only needs to discuss one sort of contract: the fundamental contract.

Burke opposes such an approach, which is understandable, given the fact that his attention *is* focused on the specific circumstances. It is not possible to know how to organize a state a priori: "The science of constructing a commonwealth, or renovating it, or reforming it, is, like every other experimental science, not to be taught *à priori*." (Burke 1790, p. 82); "The circumstances are what render every civil and political scheme beneficial or noxious to mankind." (Burke 1790, p. 25). Related to this matter, it is not clear in advance under what circumstances it is allowed to revolt against a ruler (cf. Burke 1790, p. 58), whereas this *is* clear for Hobbes beforehand.

Experience is decisive: one examines which form of government suits the circumstances and constructs a theory on that basis, not conversely (Burke 1790, p. 201, 202; cf. p. 215).[12] History is not to be ignored in this process, as it may be used to let the right polity come to fruition (Burke 1790, p. 55). This comes to pass gradually by, as Burke phrases it, 'a slow but well sustained progress' (Burke 1790, p. 198). The relevant interests are balanced and considered in the historical context; after careful consideration, being able to benefit from the experiences of previous generations (Burke 1790, p. 110), the right outcome is brought about. The contrast with Hobbes, who intends an 'instant state' – the moment the power is transferred to the intended sovereign a state, by the mere fact that the state of nature is no longer the case, comes into existence, the intended sovereign becoming the sovereign, the crucial characteristic of the state being that the atrocities of the state of nature are removed –, is hard to overstate.

[12] Various forms of government are possible, incidentally, according to Hobbes, but the question which of these is realized is not a crucial matter for his analysis. He prefers monarchy, but this preference is motivated by a general consideration, as will be shown in Sect. 4 .

## Evaluation

The question presents itself whether, in light of what has been said, it can be determined which theory is most convincing. Has Hobbes's theory been refuted by Burke's considerations, or can they be dismissed? For Hobbes, the situation is one of all-or-nothing: either there is a state of nature or an absolute ruler is able to maintain order. By comparison, Burke's perspective is nuanced. In order to be able to evaluate the merits of their views it must become clear what the goals of both theories are. On that basis it may be concluded whether the choice for Burke's viewpoint makes Hobbes's alternative impossible or, conversely, their views are not mutually exclusive and may thus exist together. It will then be possible to establish whether the choice for Burke's view indeed disproves Hobbes's, or vice versa, or their accounts can co-exist.

Burke's *Reflections on the Revolution in France* dates from 1790 and was, as the title indicates, inspired by the recent (1789) French Revolution, while Hobbes wrote *Leviathan* (1651) with the recent events in England in mind: Charles I had been deposed and sentenced to death in 1649. That does not mean that their ideas were solely prompted by the circumstances of their times. Much of what Burke observes consists of elaborations presented in earlier work. Hobbes's position, too, had already been worked out in many respects. He had pled in 1642 (and even previously) the presence of a powerful sovereign (Hobbes 1642, p. 97). In neither case, then, can it be said that an 'occasional piece' was produced. This is an important consideration for the evaluation of both views.

Hobbes's main purpose appears to be to outline how a powerful ruler at the head of the state may provide an alternative to the state of nature. Burke, on the other hand, primarily sets out to make it clear that a state can only flourish if the circumstances that shape it are taken into consideration. Hobbes in fact describes a different stage of the development of the state than does Burke, for the latter does not focus on the state in contrast with the state of nature.[13] This provides an explanation of why Burke states that it cannot be said on the basis of abstract principles which form of government is the best and that it is not clear beforehand whether democracy, for instance, is more or less desirable than monarchy (Burke 1790, p. 150), whereas Hobbes prefers monarchy irrespective of the circumstances: this form of government is the best guarantee for continuity and stability (Hobbes 1651, p. 241, 244 (chapter 19)). Burke also opts for monarchy, but in his case the preference is motivated by the fact that it accords with the course of history (Burke 1790, p. 151). Here, too, then, an alternative is substituted for Hobbes's a priori approach.

To be sure, continuity and stability play an important role for Burke as well, but no decisive one, since he, as was observed, does not explore the contrast with the state of nature. This comes to the fore in particular in his stance on the possibility to depose a ruler. Hobbes is clear in this regard: the power of the sovereign is absolute and he may not be deposed. The duty for the citizens to obey him only ceases to exist if he is no longer able to protect them (Hobbes 1651, p. 272, 273 (chapter 21)).[14]

[13] Where he *does* examine the state of nature, such as in Burke 1756, p. 8, 9, he does not paint as grim a picture as does Hobbes (and, besides, this work was written as a satire).

[14] Disobedience is also allowed if this produces more benefits than disadvantages; the right to self-defense, for example, is not relinquished (Hobbes 1651, p. 268–272 (chapter 21)).

Burke's position is nuanced. He refers to the King of England when he observes: "As he is not to obey us, but as we are to obey the law in him, our constitution has made no sort of provision towards rendering him as a servant in any degree responsible." (Burke 1790, p. 48). It is indeed incumbent on the citizens to obey the king, but there are (at least) three (related) reasons why Hobbes's account is, from this perspective, lacking. First, Burke speaks of *the law* the king represents; *it* must be obeyed. Importantly, and this is the second reason, no random king is concerned, but the King of England. His position in particular is legitimized by the law; Burke, after all, distinguishes between despotism and constitutional monarchy (Burke 1790, p. 149). The position of a king does differ from that of a servant; Burke discusses 'kings' (so in general), but he argues, and this is the third reason, that this difference consists in the fact that kings cannot be, such as servants, dismissed 'at pleasure' (Burke 1790, p. 48).

The issue is not whether a king could not be removed under *any* circumstances. This becomes apparent further on in Burke's argument. He criticizes the captivity of the King and Queen of France. Had they, however, acted as tyrants, their captivity *would* have been justified (Burke 1790, p. 105). The circumstances are, then, decisive to evaluate the state of affairs; here, too, Burke cannot concur with Hobbes's general characterization. Their goals become apparent once again: Hobbes wants to prevent a state of nature, while this is no decisive issue for Burke.

Hobbes and Burke reach widely diverging conclusions. Is it possible to unequivocally state which perspective is correct? I now revisit the consideration presented in the beginning of this section, that these accounts may not exclude one another. Such a conclusion may be drawn if both thinkers' basic premises are taken into consideration. They appear to diverge even with respect to the most basic ideas. After all, as was argued in Sect. 1, 'natural law' means something else for Hobbes than it does for Burke: while Hobbes clings to natural law in the strict sense, Burke's conception may be characterized as natural law in the broad sense.

Nevertheless, their positions are ultimately not irreconcilable; this follows, as was argued, from the difference between Hobbes's intentions and Burke's. Whereas Hobbes sets out to present a 'blueprint' of the state in general, Burke rejects this as an unattainable ambition. What was said in Sect. 2 with respect to the difference between Hobbes's and Aquinas's positions may, accordingly, also be argued with respect to Burke's, albeit from a different perspective. In this case, it is not the *meaning* of the basic moral notions that is concerned, but rather their *employment* in light of the way natural law is interpreted. In the case of Aquinas, after all, whose position bears a closer resemblance *in this respect* to Hobbes's than to Burke's, an a priori model is used in the sense that natural law as he understands it applies universally (Aquinas 1274b, Quaestio 91, art. 2 (p. 154)), which is known a priori: "Every act of reasoning is based on principles that are naturally known."[15]

Burke may, in light of what was said above, argue that in the exercise of the supreme (worldly) power 'a *moral* competence' should be observed (Burke 1790, p. 38, 39), whereas Hobbes leaves no room for such considerations; nothing but the

[15] "[…] omnis ratiocinatio derivatur a principiis naturaliter notis […]." (Aquinas 1274b, Quaestio 91, art. 2 (p. 154)). It must be noted that Aquinas's position is balanced, pointing to the function of human laws in specifying rules for particular circumstances (Aquinas 1274b, Quaestio 91, art. 3 (p. 155)).

transfer of power of prospective citizens to a sovereign is concerned (Hobbes 1651, p. 227, 228 (chapter 17)). While Hobbes can, when he criticizes the deposition of Charles I, only appeal to citizens' self-interest (by pointing out the importance to obey the sovereign, thus preserving the state), Burke stresses the 'moral taste' that is not sufficiently demonstrated in the behavior of the revolutionaries in France (Burke 1790, p. 88).

The desire to take the side of Burke at the expense of Hobbes, or vice versa, reflects a lack of acknowledgment of the significance of their respective basic premises. Hobbes describes the development from the state of nature to the possibility of the introduction of rules that are to be observed in the state. This necessitates an analysis of the foundation of morality, while Burke may leave this issue unexamined since his attention is focused on states and, indeed, societies at a stage when they have already formed. An analysis that is focused on the differences between Burke and Hobbes must include these backgrounds; many ideas then turn out not to be incompatible, while they may seem to be if they are considered out of context.

Thus it becomes clear why Hobbes can use an a priori account while Burke cannot. In the stage of development Hobbes describes, the situation is ever the same. The state of nature is, arguably, a fiction, the status quo of the state predating citizens' reflections on how it originated, which may in fact have been a gradual process, the ruler being acknowledged implicitly.[16]

In Burke's case, such an account cannot be provided: once the state has come into existence, it develops in its own specific way, as he maintains, from which it follows that the question which form of government is the best is dictated by that specific process. While Hobbes depicts the (fictitious) inception of the state, Burke's attention is devoted to the concrete historical process. It is not inapt to say that Hobbes presents the basis of the state, thus outlining the 'skeleton' of the 'artificial man', to use his appellation of the state (Hobbes 1651, p. 81 (Introduction), p. 247 (chapter 19)). He thus merely indicates what the minimum conditions are for a state to originate. A supplemental account such as Burke's provides, to continue the analogy, the 'organs', so that one may also imagine how a state actually operates. What Burke argues is, in this view, a sort of continuation of Hobbes's analysis, a full-fledged conception of the 'artificial man' in fact being realized by amalgamating both theories.

## The European Dimension

It is difficult to say how both thinkers would evaluate actual developments the possibility of which they may not even have considered; anachronistic interpretations are of course to be avoided. While observing this caveat, it is worthwhile to apply what Hobbes and Burke maintain with respect to (the purpose of) the state to the European Union, which, as a supranational organization, carries out a number of tasks

[16] Hobbes himself *does* consider the state of nature to be a factual situation, referring to America at that time as an example (Hobbes 1651, p. 187 (chapter 13)).

(the individual member states deciding autonomously in other cases), the supranational character being apparent from the fact that the member states have limited their sovereignty, at least insofar as this has been agreed upon.[17]

As things stand, the European Union organs and the member states have shared competences in some cases. This need not be problematic: similar concurrent powers exist in, for instance, the United States of America. Important differences may, however, be observed. In the European Union, which cannot at present be classified as either a federation or a confederation,[18] it is not always clear how the competences are to be (and may be) used. Moreover, the rules are not properly observed; a salient example is the failure of some member states to avoid excessive government deficits in accordance with Article 126 of the Treaty on the Functioning of the European Union. Another – important – difference is that the European rules are difficult to enforce, the duty to comply with them notwithstanding.[19]

How should this state of affairs be evaluated from Hobbes's perspective? A sovereign is lacking and even if one considers the amalgam of the various institutions of the European Union[20] to constitute a sovereign of sorts, the problem of the lack of enforceability remains. This means, in a consistent line of reasoning, that the European Union should either be organized similarly as the United States of America or, conversely, have fewer powers than is presently the case, effectively returning to the situation prior to the establishment of the Maastricht Treaty of 1992.

It is noteworthy that Hobbes characterizes the situation at the international level as the state of nature (Hobbes 1651, p. 187, 188 (chapter 13)). This situation can only cease to exist if the European Union becomes a state, so a federation or, more radically, a unitary state, with a proper sovereign, in which case the individual states cease to exist in their present form, becoming constituent states of a federation or administrative regions of a unitary state. Since Hobbes leaves both options open (the first option may seem necessary, but only applies to the fundamental dichotomy between state of nature and state (in whatever way it is organized)), it seems natural to resort to Burke's analysis.

[17] In the case of Van Gend en Loos v Nederlandse Administratie der Belastingen (ECJ February 5, 1963, Case no. 26/62), the request for a preliminary ruling was submitted to the European Court of Justice, the question being "Whether Article 12 of the EEC Treaty [corresponding with present Article 30 of the Treaty on the Functioning of the European Union] has direct application within the territory of a Member State, in other words, whether nationals of such a State can, on the basis of the Article in question, lay claim to individual rights which the courts must protect […]." That there is a limitation of national sovereignty is confirmed, for the European Court of Justice concludes that "[…] the Community constitutes a new legal order of international law for the benefit of which the states have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise not only Member States but also their nationals." Articles 4 and 5 of the Treaty on European Union are crucial.

[18] The German Bundesverfassungsgericht has used the term 'Staatenverbund' (a compound of states) to refer to the European Union as a compound of states (BVerfGE 89, 155 (Decision of the German Federal Constitutional Court of October 12, 1993, in re Maastricht Treaty)).

[19] See, for example, Articles 263–266 of the Treaty on the Functioning of the European Union.

[20] Namely, the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank and the Court of Auditors (Article 13 of the Treaty on European Union).

On the basis of Burke's perspective a United States model is not ruled out, but an inquiry into its feasibility requires an examination of the shared values in the European project. The European Union's accession to the European Convention on Human Rights (Article 6, Sect. 2, of the Treaty on European Union) may in that respect be mentioned. The *nature* of these values is a vital issue.

Article 2 of the Treaty on European Union is important in this respect. It reads: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail." It is not clear what these values are, and how they relate to each other, which is a pertinent issue in case of a (possible) conflict. An analysis of these issues would lead to too great a digression; I will focus on what is relevant to what has been observed in Burke's ideas (and those of Hobbes), only devoting some attention to the rule of law.

If *abstract* values are concerned, which may be associated with *general* rules, Hobbes's perspective with respect to the natural law may be invoked, with the caveat that a problem with one of these values, the rule of law, is that Hobbes, understandably from his perspective, denies that the sovereign can be bound to positive law (notwithstanding the given that he is, as an individual (like all other individuals), inescapably bound to *natural* law) (Hobbes 1651, p. 367 (chapter 29)). (I leave out a discussion of the complication that there is no consensus with respect to the meaning (and scope) of 'the rule of law' (see Stein 2019, p. 186) and of the issue that the claim that the inclusion of the rule of law is a significant given (Schroeder 2023, p. 5) may be questioned.) Such abstract values are arguably listed or presupposed in several treaties, like the Charter of the United Nations and, specifically germane, the above-mentioned European Convention on Human Rights. An appeal to 'equality' or 'freedom', for example, is not related to a specific community; the appeal would be based on 'being human', being a rational being' or something similar.

If, by contrast, an appeal to abstract values is abandoned, on account of the fact that the community would not be a relevant issue (because such values might be acknowledged in the European Union as well as elsewhere), it must be clear on what basis the values in question are associated with this *specific* community. It appears that this is not the case, since these values are stated (or presumed) to be 'common' to the member states, but the main issue may be presented in the form of the following dilemma. Either these values are *only* shared by the member states (in which case there is no *separate* European dimension where they are *in addition* acknowledged, listing them simply being a confirmation of the given of their being shared) or the European dimension constitutes an *additional* superstructure. In the former case, the European dimension has no added value from Burke's perspective (at least insofar as these values are concerned). In the latter case, by contrast, it must be clear that a separate dimension where the values are located indeed exists.

Again, if these values are equated with abstract values, it is unclear why (the nature of) this community in particular would be a relevant given, leaving only a perspective that would not align with Burke's. Yet *each* of the values listed in art. 2 of the Treaty on the Functioning of the European Union may, in the form of abstract

values, be propagated elsewhere as well, for example in the United States of America or Canada. To what extent the values of art. 2 of the Treaty on the Functioning of the European Union have actually been adopted by the member states need not be discussed in detail here (see, for example, Kelemen 2020, *passim*), as the vital issue with respect to Burke's perspective is, as stated, whether a separate (European) domain may be said to exist where values may be acknowledged that cannot be reduced either to values already acknowledged by the member states at the national level or to abstract values (or to both). It is at least doubtful that such a domain does indeed exist.

It is not helpful to maintain that it is not necessary for a satisfactory account of European citizenship to appeal to "[…] a broad base of common identity, culture, and history […]" and that it is sufficient for "[…] a shared sense of justice and more limited commitments to the equal dignity of all individuals […]" to exist (Follesdal 2014, p. 770), since abstract values – so precisely the sort of values which are to be substituted (or complemented) – are at issue here.[21] By the same token, one may question the added value of referring to "[…] an idea of Europe "[…] as an open idea, symbol or potentiality, rather than as a unified and closed project. This idea of Europe as an open-ended idea or symbol expresses in part an openness to different geographical and historical imaginaries 'elsewhere'." (Isin and Saward 2013, p. 5).

The existence of shared values is hard to discern in the behavior of member states, which, in cases where the supranational and national interests conflict, let the latter prevail, but apart from that given, it is difficult to specify the nature of shared *European* values. From Burke's perspective, shared values do not (or at least not yet) appear to be discernable at that level because they are not sufficiently specific, while Hobbes's perspective does not leave room for them because they may be assimilated by – or reduced to – abstract values.

## Conclusion

My main goal has been to demonstrate how Burke's and Hobbes's theories with respect to the basis of the state may be characterized and which insights they offer. Hobbes's basic premise is, partly inspired by recent events in his own country, that anarchy must be avoided at all costs, even if an absolute state authority is to be realized for that purpose; in fact, this is the only real alternative. In order to support this line of reasoning, he examines the dichotomy between state and state of nature, reflecting on the principles of morality. He leaves no room for natural law insofar as this consists in an amalgam of law and morality, referred to in this paper as natural law in the broad sense, since 'morality' in fact has an artificial basis, resulting from the general rules imposed by the sovereign. The minimum conditions for a state's very existence are thus presented.

Burke's focus on states once they have been established does not allow such a restriction: he sets out to show how specific states could develop, taking into

[21] The author appears to acknowledge this (Follesdal 2014, p. 770).

consideration the individual circumstances. He has no need to problematize the foundation of morality, the opposition with the state of nature not being a central issue from his vantage point. The import of the ideas of both thinkers does not suffer from a comparison such as the one put forward here and they even appear to be reconcilable. Paradoxically, this possibility results from the great disparities between these ideas.

## Declarations

**Conflict of interest** On behalf of all authors, the corresponding author states that there is no conflict of interest.

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